

bill S. 3413, to extend the time of cattle in cars in transit—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Green B. Raum, for Senator NELSON's amendment to the Army appropriation bill, relative to a retired volunteer list—to the Committee on Military Affairs.

Also, petition of the Intermunicipal Research Commission, for legislation for the protection of the unemployed—to the Committee on the District of Columbia.

Also, petition of the New York Board of Trade and Transportation, for an appropriation to deepen the Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Association of the Bar of New York City, for the bill providing for an increase of the salaries of Federal judges—to the Committee on the Judiciary.

Also, petition of the National Council of Women of the United States, the Women's Health Protective Association, of New York, and the Sorosis Club, of New York, for bills S. 50 and H. R. 4462, relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the National Board of Trade, for forest reservations in the White Mountains—to the Committee on Agriculture.

Also, petition of Green B. Raum, Samuel J. Crawford, and William Birney, for the Nelson amendment to the Army appropriation bill, creating a volunteer retired list of officers of the civil war—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of Division No. 171, Amalgamated Association of Street and Electric Railway Employees of America, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. WOOD of New Jersey: Petition of the Otis Company, of Ware, Mass., and the Ampere Silk Mill, of Bloomfield, N. J., against bill H. R. 8988 (the Littauer metric system bill)—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Woman's Health Protective Association, of New York City, for the child-labor bill for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Union No. 1015, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Bernardville, N. J., for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

## SENATE.

FRIDAY, April 20, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General, submitting an increase in the estimate of appropriation for wrapping twine and tying devices for postal service for the fiscal year ending June 30, 1907, from \$175,000 to \$225,000; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

### FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward F. Mitchell *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Jonathan Pigman, executor of Benjamin Pigman, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Leonidas Thompson, administrator of Mathew Brown, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified

copy of the findings of fact filed by the court in the cause of Thomas Dunn, administrator of Charles Hunter, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary J. Owen, widow of Elias K. Owen, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Florence Murray, widow of Alexander Murray, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elliott C. Harrington *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Fannie S. B. Halm, widow (remarried) of John C. Beaumont, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Bella A. Leach, widow of Boynton Leach, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Ezra Z. Derr *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of George R. Gray *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of G. V. Mengies *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Nelson H. Drake *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Ebenezer S. Prime *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward K. Valentine *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Hobart L. Tremain *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Emma G. Jenness, widow of Thomas B. Gammon, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

E. G. RATHBONE.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution of the legislature of the State of Ohio, praying for an investigation of the official conduct of E. G. Rathbone while acting as director-general of posts in the island of Cuba. The joint resolution will be read.

The Secretary read as follows:

Senate joint resolution No. 29.

Joint resolution requesting an investigation of the official conduct of E. G. Rathbone.

Whereas E. G. Rathbone, a citizen of Ohio, and a former member of the senate in the sixty-eighth general assembly of Ohio, having served therein with distinguished ability and with honor to himself, his constituency, and the State, has presented to the Congress of the United States a petition and prayer for relief (a copy of which petition and prayer, duly authenticated by the Chief Clerk of the United States Senate, is presented herewith); and

Whereas in view of the claims set forth in said petition to the Congress of the United States by said Rathbone, and because we believe it to be the duty of the United States Government under our Constitution and laws to vouchsafe to every citizen, whether at home or abroad, the fullest protection of law, and further believing that under the peculiar conditions, legal and otherwise, existing in the island of Cuba during the period complained of in said Rathbone's petition he was necessarily deprived of his legal right in the premises: Therefore, be it

*Resolved by the general assembly of the State of Ohio,* That the Congress of the United States be, and it hereby is, respectfully requested to grant to the said E. G. Rathbone the relief prayed for in his said petition by ordering an investigation of the official conduct of said Rathbone while acting as director-general of posts in the island of Cuba; and be it further

*Resolved,* That copies of this resolution be forwarded to the President of the United States Senate and to the Speaker of the House of Representatives of the Congress of the United States.

C. A. THOMPSON,  
Speaker of the House of Representatives.  
JAMES M. WILLIAMS,  
President pro tempore of the Senate.

Adopted April 2, 1906.

UNITED STATES OF AMERICA, OHIO,  
Office of the Secretary of State:

I, Lewis C. Laylin, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office, and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 2d day of April, A. D. 1906.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 6th day of April, A. D. 1906.

[SEAL.]

LEWIS C. LAYLIN,  
Secretary of State.

Mr. DICK. Mr. President, I ask that the resolution and petition be printed in the RECORD and also be printed as a Senate document, and referred to the Committee on Cuban Relations.

Mr. MONEY. Mr. President, I do not know now who is chairman of that committee; I have forgotten. I am a member of it, however. I think we had better send the matter to some other committee for the reason that the Senate instructed that committee by a vote two years ago to investigate the affairs that occurred in that island, both military and civil. That committee failed to perform the duty. Three or four Departments of the Government were instructed by the Senate to furnish the committee with all the testimony they could collect, and to furnish it not in bulk, but sheet by sheet as it could be obtained. The Departments declined to do this. The Assistant Secretary of War at that time, who was Acting Secretary, informed me that he intended to present it in bulk, as in his opinion that was the best way to do it. I informed him that he was not authorized to do anything of the kind; that the Senate only required him to act; that the Senate was the brain and he was the hand. There was never any meeting, but a perfunctory one of that committee, which met to adjourn after a short examination of the documents submitted by Colonel Rathbone.

The committee totally failed to perform what seemed to the people of the United States and to the Senate, a very important duty in making an investigation that involved not only the petitioner, but a great many others who were resting under grave charges. I do not see why the matter should be referred to it now. I think if the Senator really wants the investigation made he had better have a special committee to act. A special committee perhaps, might see its way clear to do its duty. The other committee, however, and I speak with deference of all of them, declined to do anything whatever, and the case went by default.

Mr. DICK. Mr. President, I still think the better disposition of the resolution will be its reference to the proper committee. If later the committee fails to act, or feels it can not under the resolution and with the powers given it, the Senate can give it additional powers, or if it shall then seem better to have a special committee appointed the Senate can act in accordance with that suggestion.

The VICE-PRESIDENT. The Senator from Ohio asks that the resolution and the accompanying petition be printed in the RECORD, and also printed as a document, and that they be referred to the Committee on Cuban Relations. Is there objection? The Chair hears none, and it is so ordered.

The petition is as follows:

To the Congress of the United States:

Your petitioner, a citizen of the United States, respectfully represents that upon ex parte affidavits of persons whom your petitioner and his counsel were denied an opportunity to confront or cross-examine, and which affidavits petitioner and his counsel were denied an opportunity to rebut and disprove, and upon the unsworn statements of a self-confessed criminal, made by such criminal under promise of immunity and reward, and in violation of the constitutional rights, privileges, laws, and rules guaranteed to citizens of the United States under such circumstances, and in disregard of the acts of Congress in such cases specially provided, your petitioner has been unlawfully and unjustly condemned and fined and disgraced for matters and things of which he was and is wholly innocent, and is now barred from relief by appeal to the court properly having appellate jurisdiction in said matter, for the reason that the Cuban Congress soon after said trial passed an act of general amnesty, which act quashed said proceedings and left said court without power to proceed with your petitioner's appeal, and he is now without remedy, except at the hands of Congress, to vindicate his character and to relieve himself and family from the unjust and unlawful aspersions cast upon his good name, and prays full investigation by a duly qualified committee.

Your petitioner further states that late in the year 1898, as an appointee of the Post-Office Department of the United States, he went to Cuba in the capacity of director-general of posts of Cuba; that while acting in that capacity and while that country was governed by the United States through its military governor your petitioner was accused of complicity in certain fraudulent acts committed by persons employed in the department under petitioner's supervision, and upon an order of the military governor was arrested and tried for such alleged offense before "a special court" by special proceedings, directed and controlled by the officer by whose orders such court was established, and who, in violation of law and established rules of procedure and every consideration of fairness, issued orders, instructions, and various communications to the court by which your petitioner was tried from time to time during the progress of the trial.

Your petitioner submits that whenever the United States assigns one of its citizens to public service in a foreign land, and in the performance of his official duties in such foreign service he is accused of misdemeanors, it is the duty of the Government to see that such official has a fair and impartial trial under the usual and regular rules of judicial procedure.

Your petitioner gives the following as the principal reasons for this application:

First. The proceedings which led to his conviction for the alleged wrongdoing were not judicial proceedings.

Second. Ex parte "depositions" were admitted at the trial which were taken in the United States on behalf of the prosecution, the taking of which was without notice to your petitioner or his counsel, and neither petitioner nor counsel were present or had an opportunity to be present to cross-examine the witnesses.

Third. That upon said trial your petitioner was upon trial for a criminal offense, and contrary to all law and constitutional guarantees evidence by depositions was permitted to be introduced, thereby depriving petitioner of his right "to be confronted with the witnesses against him."

Fourth. That the introduction of such ex parte depositions was a surprise and unlawful advantage taken by the prosecution, and your petitioner had a right to believe and rely upon the act of Congress dated June 6, 1900, by which the use of such ex parte depositions was expressly prohibited.

Fifth. That the petitioner's attorneys were not given a reasonable opportunity to prepare for trial, and because of the introduction of such depositions were not prepared to disprove the statements therein contained.

Sixth. Evidence material and vital to his defense was withheld, and petitioner was unable to procure same.

Seventh. The principal witness, and practically the sole witness of the prosecution, was not sworn upon the trial. Said witness testified as a defendant, and his testimony was not given under oath for the reason that under the laws of Cuba a defendant in a criminal trial is not sworn or put under the sanction of an oath. He can not be punished for perjury. Said witness took advantage of said rule and testified as a defendant to escape liability for perjury if he gave false testimony and took advantage of his position as a witness for the prosecution to secure a pardon.

Wherefore your petitioner prays Congress to make a thorough and exhaustive investigation of all his acts in Cuba in connection with the office to which he was assigned under the authority of the United States Government, the methods employed to secure his conviction, to the end that the truth may be ascertained and justice done and that your petitioner may be relieved from the unjust aspersions cast upon his character.

And your petitioner will ever pray.

E. G. RATHBONE.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 7) authorizing the Secretary of the Navy to present the bell of the late U. S. sloop of war *German-town* to the Site and Relic Society, of Germantown, Pa.

The message also announced that the House had passed the bill (S. 4925) to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 4478) to amend section 64 of the bankruptcy act; in which it requested the concurrence of the Senate.



The message also requested the return to the House of the bill (S. 1975) granting an increase of pension to Mary E. Dugger.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

- H. R. 5931. An act granting an increase of pension to Robert L. Narron;
- H. R. 8158. An act granting an increase of pension to Lemuel P. Storms;
- H. R. 8892. An act granting an increase of pension to Malek A. Southworth;
- H. R. 10298. An act granting an increase of pension to Oliver C. Redic;
- H. R. 11046. An act granting an increase of pension to Helen G. Heiner;
- H. R. 13572. An act granting an increase of pension to Saturnino Baca;
- H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;
- H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.; and
- H. R. 15691. An act granting an increase of pension to Jerry W. Tallman.

#### PETITIONS AND MEMORIALS.

Mr. PLATT presented a memorial of the Board of Trade of Niagara Falls, N. Y., remonstrating against the enactment of legislation to restrict the taking of water from the Niagara River for power and other purposes; which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas a bill has been introduced into the Congress of the United States restricting the taking of water from the Niagara River for power and other purposes, which bill is generally known as the "Burton bill," and is now being considered before the Committee on Rivers and Harbors of the House of Representatives, and such bill is exceedingly drastic in its features, and not only very much restricts the operations of companies already producing power, but destroys the chartered rights and privileges of companies which are preparing to develop power, regardless of whether or not the operations of such companies will affect the flow of water over the cataracts of Niagara; and

Whereas said act, if passed and made a law, will materially affect all interests, not only in this city and its immediate surroundings, but will affect all interests of this country within a radius of several hundreds of miles around Niagara Falls for all time to the extent of many millions of dollars a year: Therefore, be it

*Resolved*, That we, the directors of the Board of Trade of Niagara Falls, N. Y., at a meeting duly called in said city April 16, 1906, do hereby express our regret that so many sensational and misleading statements should have been prepared and printed in the public press relative to the effect on Niagara Falls from the operation of present chartered power companies here, and we not only feel, but know that the public in general has been misinformed and greatly misled by articles written for magazines and the press and public by persons who had no real knowledge of the situation or conditions appertaining here.

*Be it further resolved*, That this body recognizes that the preservation of the beauty of the cataracts is more for the advantage of this city and the individual advantages of the members composing this board of trade than it is for any other particular community or set of men, and for that reason we would be unwilling to have this natural wonder destroyed for the commercial advantages of other communities to our own detriment; but living in this place and knowing the actual conditions existing here we feel that we are able to say from actual observation and practical knowledge, instead of finely drawn theories spun in the library or sanctum of a magazine or newspaper writer who has gazed upon the falls for a few hours in his lifetime, that the companies now operating or authorized to manufacture power in the State of New York will not injure the cataracts nor deprive the world of the scenic benefits of this great wonder.

*Be it further resolved*, That we feel that the so-called "Burton bill," in its present form, should not become a law, for the reason that it does not take into consideration the actual conditions existing here and is evidently based upon a very superficial knowledge of actual conditions; that it would work a great injustice to present chartered companies by depriving them without any remedy of the fruits of a great outlay of capital and labor and will be a serious blow to every community within a radius of several hundreds of miles of this place, affecting not only capital but trades people, mechanics, laborers, and all classes.

*Be it further resolved*, That since the effects of this bill are so serious and far-reaching we feel that Congress should not act hastily and only upon a thorough investigation of the conditions existing here, made through a duly appointed committee, and that such investigation should be thorough, for the reason that the contemplated action of Congress is perhaps farther reaching in its industrial results throughout a large extent of territory than any other bill which has been presented to Congress for many years.

*Be it further resolved*, That we believe in a proper restriction of the use of water from the Niagara River and a proper preservation of the beauty and grandeur of the cataracts, but we also feel that the State of New York, which has expended millions of dollars for the State park and reservation here, is the best judge as to the necessity of action against existing companies chartered by said State and as to how drastic such restricting measures should be and to what extent they should go, and it is the sense of this body that the interests of

the citizens of this locality, including all classes, from large manufacturers to the working men, should not be sacrificed to the senseless clamor raised by the notoriety-seeking authors, but that a dignified and considerate course should be pursued and a thorough investigation made by Congress through an investigating committee to the end that if Congress should find that there is no danger to the falls existing, that reasonable and equitable restrictions may be placed upon present companies, future grants properly restricted, and that the rights of companies and individuals which do not affect the cataracts be not destroyed without reason or remedy.

*Be it further resolved*, That copies of this resolution certified by the president and secretary of this board of trade be forwarded to the Hon. THEODORE E. BURTON, chairman of the Committee on Rivers and Harbors of the House of Representatives, to the Hon. JAMES W. WADSWORTH, Representative from this Congressional district, and to the Hon. THOMAS C. PLATT and the Hon. CHAUNCEY M. DEFEW, Senators representing this State.

We, the undersigned, president and secretary of the Board of Trade of the city of Niagara Falls, N. Y., do hereby certify that the foregoing is a true copy of the resolution passed at a meeting of the directors of said Board of Trade of Niagara Falls, N. Y., duly called and held in said city April 16, 1906. Dated April 17, 1906.

GEO. W. KNOX,  
President of Niagara Falls Board of Trade.  
EDWARD T. WILLIAMS,  
Secretary of Niagara Falls Board of Trade.

STATE OF NEW YORK,  
County of Niagara, City of Niagara Falls, ss:

On this 17th day of April, 1906, before me, the subscriber, personally came George W. Knox and Edward T. Williams, to me personally known to be the persons described in and who severally executed the foregoing instrument, and they each, severally, duly acknowledged to me that they executed the same as therein set forth.

H. A. CONSTANTINE, Notary Public.

Mr. PLATT presented a petition of Nancy Hanks Council, No. 58, Daughters of Liberty, of New York City, N. Y., and a petition of Loyal Council, No. 75, Daughters of Liberty, of New York City, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Business Men's Association, of Schenectady, N. Y., praying for the enactment of legislation to establish a Federal district court in China; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of the Woman's Literary Club, of Wheeling, W. Va., praying for an investigation into the industrial conditions of the women of the country; which was referred to the Committee on Education and Labor.

Mr. BURNHAM (for Mr. GAMBLE) presented the petition of John Lakings and sundry other citizens of Hurley, S. Dak., praying for the removal of the internal-revenue tax on denatured alcohol; which was referred to the Committee on Finance.

Mr. KEAN presented a petition of the Teachers' Association of Passaic City, N. J., praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White mountains; which was ordered to lie on the table.

He also presented a petition of Local Division No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petition of George Morris, superintendent of the public schools of Bloomfield, N. J., praying for the enactment of legislation to incorporate the National Education Association of the United States; which was referred to the Committee on Education and Labor.

He also presented the petition of Samuel B. Steele, of Pompton, N. J., and a petition of Washington Camp, No. 62, Patriotic Order Sons of America, of Woodbury, N. J., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of Olive Branch Grange, No. 142, Patrons of Husbandry, of Matawan, N. J., remonstrating against the enactment of legislation providing for the free distribution of seeds; which was referred to the Committee on Agriculture and Forestry.

Mr. WETMORE presented a petition of the League of Improvement Societies of the State of Rhode Island, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the League of Improvement Societies of the State of Rhode Island, praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White mountains; which was ordered to lie on the table.

Mr. BERRY submitted sundry papers to accompany the bill (S. 5686) for the relief of Ellis Bigfeather; which were referred to the Committee on Military Affairs.

Mr. HOPKINS presented the memorial of the Ayer & Lord Tie Company, of Chicago, Ill., praying for the enactment of legislation to establish a laboratory for the purpose of testing the strength of timber and experiment in the different methods of preservation of timber; which was referred to the Committee on Agriculture and Forestry.

Mr. LONG presented the memorial of J. W. Farmer and 23 other citizens of Coats, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

#### REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (H. R. 5681) for the relief of John Lewis Young, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 15643) to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books and papers when summoned, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 5th instant proposing to appropriate \$5,000 for the erection of tablets to mark historical places in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 17th instant, authorizing the recorder of deeds of the District of Columbia to copy, from time to time, such original records in his office as may need to be copied in order to better preserve them, etc., intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment in the nature of a substitute, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom the subject was referred, submitted a report, accompanied by a bill (S. 5773) to provide a site and buildings for the Departments of State, Justice, and Commerce and Labor; which was read twice by its title.

He also, from the Committee on the Library, to whom was referred the bill (S. 4603) making the Public Library of the District of Columbia a designated depository for Government publications, asked to be discharged from its further consideration, and that it be referred to the Committee on Printing; which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 13) authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 2620) to provide that the inhabitants of Porto Rico shall be citizens of the United States, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 11490) granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California, reported it without amendment, and submitted a report thereon.

#### BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 5774) for the relief of the Snare & Triest Company; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (for Mr. DEPEW) introduced a bill (S. 5775) granting an increase of pension to Harvey M. Traver; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 5776) granting an increase of pension to James H. Vane; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5777) for the relief

of Lawrence S. Brumidi; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5778) granting a pension to Mathias Reed; and

A bill (S. 5779) granting an increase of pension to Pascal J. Elsworth.

Mr. McCUMBER (by request) introduced a bill (S. 5780) granting a pension to Lorenzo E. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5781) granting an increase of pension to Ezra Prouty; and

A bill (S. 5782) granting an increase of pension to Octave Fariola.

Mr. HOPKINS introduced a bill (S. 5783) granting a pension to Florence H. Godfrey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5784) granting an increase of pension to Mahala F. Campbell; and

A bill (S. 5785) granting an increase of pension to Joseph W. Dougherty.

Mr. TALIAFERRO introduced a bill (S. 5786) granting an increase of pension to Mary J. Ivey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 5787) for the relief of Lurana Harpole; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 5788) for the relief of the heirs of Caroline Thompson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 5789) to regulate the publication of notices issued under the public land laws; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5790) granting an increase of pension to Jehial P. Hammond; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 5791) granting an increase of pension to Margaret Simpson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 5792) for the relief of the estate of John M. Rook, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5793) for the relief of John L. McClendon; which was read twice by its title, and referred to the Committee on Claims.

#### MEDICAL SUPPLIES FOR SUFFERERS IN CALIFORNIA.

Mr. MORGAN. Mr. President, the Secretary of War has handed me the draft of a joint resolution relating to affairs in California, accompanied with a telegraphic letter from Fort Mason, Cal., by the commandant of the hospital service there. I ask that the letter and the joint resolution may be read, and I will ask for the consideration of the joint resolution.

The VICE-PRESIDENT. The Secretary will first read the communication.

The Secretary read as follows:

[Telegram.]

FORT MASON, CAL., April 19, 1906.

SURGEON-GENERAL UNITED STATES ARMY,  
Washington, D. C.:

Medical supply depot was destroyed totally. Nothing saved. Nothing can be purchased here. Will call on the naval authorities for surgical dressings. Will need at once 80,000 yards of gauze, 100 pounds absorbent cotton, and two barrels of alcohol. Every provision is being made for the care of the sick. The division hospital has been erected and the post hospital opened. The difficulty in caring for the sick is in the scarcity of water, which is sufficient for drinking and cooking only.

TORNEY,  
Commanding Hospital.

A true copy.

R. M. O'REILLY,  
Surgeon-General, U. S. Army.

SURGEON-GENERAL'S OFFICE, April 20, 1906.

The joint resolution (S. R. 49) construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific



coast," was read the first time by its title, and the second time at length, as follows:

*Resolved, etc.,* That the appropriation of \$1,000,000, made by joint resolution approved the 19th instant, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast," shall be available under the discretion of the Secretary of War to procure medical supplies, in addition to such supplies belonging to the military establishment, and issue the same in like manner as the subsistence and quartermaster's supplies specifically mentioned in the joint resolution aforesaid.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. CLARK of Montana submitted an amendment intended to be proposed by him to the bill (S. 5327) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes; which was ordered to lie on the table, and be printed.

#### POST-OFFICE INSPECTORS.

Mr. SCOTT submitted an amendment proposing to increase the number of post-office inspectors at \$2,400 each from six to ten, and the number of post-office inspectors at \$1,800 each from ten to fifteen, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### WITHDRAWAL OF PAPERS—ANDERSON WALKER.

On motion of Mr. SCOTT, it was

*Ordered,* That leave be granted to withdraw from the files of the Senate, without leaving copies, the papers in the case of Senate bill 5440, to remove the charge of desertion from the name of Anderson Walker, Fifty-ninth Congress, first session, no adverse report having been made thereon.

#### PUBLIC BUILDINGS IN SAN FRANCISCO.

Mr. SCOTT. I submit a resolution, and I ask for its present consideration.

The resolution was read, as follows:

Whereas it seems from the reports that all the Federal buildings in San Francisco, excepting the mint, have been destroyed by earthquake and fire: Therefore, be it

*Resolved,* That the Secretary of the Treasury be, and he hereby is, directed to submit to the Senate at the earliest possible date a report on the cost of erecting in San Francisco Federal buildings to take the place of those destroyed by earthquake and fire, said buildings to be constructed of steel frames, etc., if deemed advisable, and fitted with all modern appliances.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

Mr. HEYBURN. I do not desire to object, but when it is before the Senate I wish to make a suggestion.

Mr. SCOTT. It is before the Senate now, if there is no objection. However, if the Senator desires, I will ask that it may go over.

Mr. HEYBURN. I do not want it to go over.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HEYBURN. Mr. President, this matter is one of local interest to our section of the country, as well as of general interest to the country at large. It is our district and circuit court that is held there, and there was a term of court to commence there in a few days. The calendar is set and the parties and attorneys have been notified of the day of the setting of cases. There is going to be great embarrassment growing out of the situation, and it will not be entirely met by the resolution, for the reason that the court will have to be held somewhere else. It will be necessary for us within a very few days to make some provision for the holding of the United States court at some other place than San Francisco. It will be utterly impracticable to hold it there, and I contemplate at a very early day asking the Senate to make provision that the court shall sit at Portland, which is in the same circuit, and is one of the places already fixed by law for holding terms of the court.

Mr. SCOTT. I would be glad to support the Senator's measure when it comes up.

Mr. HEYBURN. I merely make the suggestion at this time.

Mr. SCOTT. The resolution will not interfere with that. There is no objection, I understand, by the Senator to the resolution?

Mr. HEYBURN. No.

Mr. HANSBROUGH. I ask the Senator from Idaho if the fixing of the term of a court in a case of this kind is not in the discretion of the judges?

Mr. HEYBURN. No, not at all; we fix the place of holding the court here.

Mr. HANSBROUGH. They can adjourn a term of court from one place to another.

Mr. HEYBURN. They can not meet in San Francisco at the time fixed. It is a smoldering fire. We shall be compelled to afford them some relief by act of Congress, and it should be done speedily.

Mr. HANSBROUGH. I suppose it is possible for the judges to meet for a few minutes and adjourn the term of the court to a given day.

Mr. HEYBURN. I wish to suggest that that is not possible. The district in which those buildings are situated is not now even open to approach.

Mr. SCOTT. I suggest that this matter is not germane to the resolution I have offered.

Mr. HANSBROUGH. I have no objection to the resolution. I simply desired to make the inquiry for information.

Mr. MALLORY. Mr. President, is this a matter of unanimous consent?

The VICE-PRESIDENT. Yes; unanimous consent was requested for the consideration of the resolution.

Mr. MALLORY. I suggest that the resolution be passed over until at least one of the Senators from California is present.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

Mr. SCOTT. The matter the Senators were discussing is not germane to the resolution I have offered.

Mr. MALLORY. I understand that. I see now that one of the Senators from California is present. The only reason why I asked that the resolution might lie over was to await the appearance of one of the Senators from that State.

Mr. SCOTT. I ask again for the reading of the resolution. I hope Senators will listen to the resolution. I am sure there will be no objection to it.

The VICE-PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

Mr. PERKINS. I can see no objection, Mr. President, to the present consideration of the resolution. I think, however, the author of it is mistaken in the statement that all of the Federal buildings have been destroyed. It is my information that the mint is intact and also the new post-office and court building is intact. It will do no harm, however, to adopt the resolution.

The VICE-PRESIDENT. The Chair hears no objection to the consideration of the resolution. The question is on agreeing to it.

The resolution was agreed to.

#### HOUSE BILL REFERRED.

H. R. 4478. An act to amend section 64 of the bankruptcy act was read twice by its title, and referred to the Committee on the Judiciary.

#### EMILIE GRACE REICH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1308) granting an increase of pension to Emilie Grace Reich, which was, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty."

Mr. McCUMBER. I move that the Senate concur in the House amendment.

The motion was agreed to.

#### ELIZABETH B. BEAN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1248) granting a pension to Elizabeth B. Bean, which was, in line 8, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### MARY E. DUGGER.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for the return to the House of the bill (S. 1975) granting an increase of pension to Mary E. Dugger, and by unanimous consent the request was ordered to be complied with.

#### PARK AND CEMETERY LANDS IN BILOXI, MISS.

Mr. McLaurin. I ask unanimous consent for the present consideration of the bill (H. R. 10152) granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and

cemetery purposes. It is a short bill, to which there will be no objection, I think.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT WASHINGTON, N. C.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (S. 1274) authorizing a public building at Washington, N. C. It is a very short bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Washington and State of North Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches complete, not to exceed the sum of \$60,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who will then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the result of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building at Washington, N. C."

Mr. HALE. If the junior Senator from Wisconsin is not ready to resume his remarks, I call for the regular order.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

#### IDAHO STATE SOLDIERS AND SAILORS' HOME.

The bill (S. 577) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home was announced as next in order on the Calendar.

Mr. GALLINGER. Let the bill go to the Calendar under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

#### WYOMING STATE SOLDIERS AND SAILORS' HOME.

The bill (S. 608) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home was announced as next in order.

Mr. LODGE. Let that bill take the same course.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

#### YELLOWSTONE NATIONAL PARK.

The bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park" was announced as next in order.

The VICE-PRESIDENT. On March 26 the bill was read and considered as in Committee of the Whole.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN subsequently said: Mr. President, I ask the Senate to return to the consideration of the bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park."

There are some slight amendments which should be made to that bill, and I think they will be made with the consent of the Senator having it in charge. I therefore move that the vote by which the bill was passed be reconsidered.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The vote by which the bill was passed has been reconsidered, and the bill is now before the Senate, the question being upon its passage. It is not in the Senate for amendment.

Mr. FRYE. If it is proposed to offer amendments to the bill, the vote by which it was ordered to be engrossed for a third reading and read the third time must also be reconsidered.

The VICE-PRESIDENT. Does the Senator make such a motion? That was not the motion of the Senator from Idaho.

Mr. HEYBURN. I make such a motion.

The VICE-PRESIDENT. The Senator from Idaho now moves that the votes by which the bill was ordered to be engrossed for a third reading and read the third time be reconsidered. The question is on that motion.

The motion was agreed to.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. HEYBURN. Mr. President, I desire to offer an amendment in section 3, page 2, line 12, after the word "shall," by inserting "be in effect only a chattel mortgage, and shall;" so that, if amended, it will read:

That any mortgage, lien, or incumbrance created under the provisions hereof shall be in effect only a chattel mortgage, and shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, etc.

This is a bill authorizing the parties constructing the large hotels in the Yellowstone National Park to mortgage their property. It is not at all clear that the bill is not a recognition of an interest in the ground upon which the buildings are constructed, which would, of course, not be granted by Congress or considered for a moment. If those buildings are mortgaged, the mortgage should have only the effect of a chattel mortgage, not a mortgage of the real estate. That, it seems to me, is an important provision, and it is not one that would be presumed, because Congress has power to deal with the soil and with the right to occupy it, and having that power, there would be no presumption at all against it having granted it. Therefore I move that section 3 be amended, first as I have indicated, and then another amendment will follow in the same section.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Idaho [Mr. HEYBURN], which will be stated.

The SECRETARY. In section 3, page 2, line 12, after the word "shall," it is proposed to insert "be in effect only a chattel mortgage, and shall."

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I want to submit, in connection with that matter, a legal suggestion that arises in my mind. I have not had occasion to run down the legislation with reference to the Yellowstone National Park for the purpose of determining as to the jurisdiction of the State courts as distinguished from that of the Federal courts there. If any Senator is advised as to whether or not a chattel mortgage given upon property in the Yellowstone Park should be taken jurisdiction of by the United States courts, I should be very glad of that information. We are liable to indulge in some legislation here that will be very embarrassing, and the amounts involved here are several millions of dollars and also a recognition of private rights that might attach to the soil in the Yellowstone Park. In my judgment, so far as I am advised, a chattel mortgage upon personal property under the laws of Montana would be recorded as other chattel mortgages—that is, in the Yellowstone Park—and, as other chattel mortgages, it would be foreclosed as other chattel mortgages are. If that is true, then this provision in the bill would be nugatory, and it might become very embarrassing. The Senator from Montana [Mr. CARTER] may be advised upon the question as to whether or not a chattel mortgage of property within the Yellowstone Park would be within the jurisdiction of the State courts so far as chattel mortgages are concerned.

Mr. LODGE. It is obvious that this bill is going to lead to a great deal of debate. I suggest, therefore, that it go over.

The VICE-PRESIDENT. Under objection, the bill will lie over without prejudice.

#### MOVEMENTS OF VESSELS IN VIRGINIA WATERS.

The bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LORENZO A. BAILEY.

The bill (S. 3139) for the relief of Lorenzo A. Bailey was considered as in Committee of the Whole. It proposes to pay,



to Lorenzo A. Bailey \$6,155.22, out of any money in the Treasury of the United States belonging to the Osage Nation or tribe of Indians, for his retainer fee and his contingent fee in the Watson Stewart case, under his contract with that nation bearing date February 29, 1904, and such further sum as the Court of Claims may hereafter determine to be a fair and reasonable fee to him under the contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. GALLINGER. I inquire of the Senator from Idaho [Mr. DUBOIS] why a definite sum is named in the bill as the fee of this attorney, and then a provision is inserted that the court may allow him a still further sum? I should like to know why that provision is in the bill.

Mr. DUBOIS. Mr. President, there were twenty of these suits. One was tried as a test case and decided in favor of the Indians whom this man represented. There was a retainer of \$5,000, and the percentage on the suits decided amounted to enough to make up the balance of \$5,000. The matter is left to the determination of the courts in regard to the other suits. One of the suits having been decided, presumably there will be no contest over the others.

Mr. GALLINGER. So that he would get \$5,000 or more on each of the twenty suits?

Mr. DUBOIS. Oh, no; he would get not to exceed a thousand dollars, if he got that.

Mr. GALLINGER. Very well; then I presume the bill is all right.

Mr. DUBOIS. Yes; entirely so.

The VICE-PRESIDENT. The question is, Shall the bill pass? The bill was passed.

#### VESSELS IN ST. MARYS RIVER.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4925) to amend the act approved March 6, 1896, relating to the anchorage of vessels in St. Marys River; which were, on page 2, line 2, to strike out "under the direction" and insert "upon the request;" and on page 2, line 11, to strike out "of" and insert "not exceeding."

Mr. FRYE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVES.

The next bill on the Calendar was the bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Reserve, respectively.

Mr. BRANDEGEE. Let that bill be passed over without prejudice, retaining its place, Mr. President.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

#### PRACTICE OF MEDICINE, SURGERY, AND DENTISTRY IN ALASKA.

The bill (S. 2554) providing for the regulation of the practice of medicine, surgery, and dentistry in the district of Alaska, was announced as next in order on the Calendar.

Mr. LODGE. Let that bill go over without prejudice, Mr. President.

Mr. GALLINGER. Let it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go the Calendar under Rule IX at the request of the Senator from New Hampshire.

#### DISCRIMINATIONS AGAINST AMERICAN SAILING VESSELS.

The bill (S. 30) to remove discriminations against American sailing vessels in the coasting trade, was announced as next in order on the Calendar.

Mr. FRYE. I ask that that bill may be passed over, retaining its place. A similar bill has passed the Senate twice and received no action from the House of Representatives. I do not wish it acted upon in the Senate until the House has had some consideration of it.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from Maine, without prejudice.

#### LAKE ERIE AND OHIO RIVER SHIP CANAL.

The bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, was announced as next in order.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. BACON. That seems to be a long bill, and before occu-

pying the time of the Senate in further reading it, I should like to inquire what committee has reported the bill to the Senate?

The VICE-PRESIDENT. The Committee on Commerce.

Mr. FRYE. Unanimously.

Mr. NELSON. That bill was reported from the Committee on Commerce, as has been stated, with a unanimous report. The committee has largely amended it, so as to remove all possible objections to it.

Mr. BACON. Well, Mr. President, I shall not object to the reading of the bill, but I shall certainly want to examine it. There must be some reason for the corporation receiving this franchise at the hands of the Federal Government.

Mr. GALLINGER. It is an interstate corporation.

Mr. BACON. Unless there is some specific reason which makes it important that the company should be incorporated by the National Government, rather than by the State government, I should not be in favor of the passage of the bill.

Mr. NELSON. If the Senator will allow me, I can in a few words explain the reason for it. The object of the bill is to provide for the construction of a canal connecting the Ohio River, somewhere near Pittsburgh, with the Great Lakes. The canal is to pass through two States—Ohio and Pennsylvania—and on account of the fact that it is to be an interstate canal, in order to expedite the work and make it successful, it is desired to incorporate under the Federal laws. The corporation is directly limited to the business of building the canal. All other matters which were in the bill as it came from the other House were eliminated.

Mr. BACON. Does the bill give the corporation the right to condemn property?

Mr. NELSON. Certainly; but it is all under State laws. They must do all things in acquiring property and in acquiring riparian rights subject to the laws of the several States.

Mr. BACON. I shall not object to the reading of the bill, it having been already partially read; but I certainly want time to examine it before consenting to its passage.

Mr. FRYE. Mr. President, if the Senator will read the bill and the report, I think they will remove any objections that may occur to him.

Mr. BACON. Possibly that may be true; but I will state very frankly to the Senator that, unless there is some greater reason disclosed than that which has been stated by the Senator from Minnesota [Mr. NELSON], my objections will not be removed, because the very same reasons which would suggest the propriety of the passage of this bill or the granting of this charter would apply to every enterprise which in any manner embraced interstate commerce, and would apply to every railroad which was sought to be built partly in one State and partly in another.

There may be some other reasons which have not been suggested, but if the suggestions made by the Senator from Minnesota were the sole reasons, I should not favor the passage of the bill.

Mr. NELSON. They are not the sole reasons, Mr. President; but in view of the fact that the Senator desires an opportunity to further consider the bill, I ask that it may be passed over without losing its place on the Calendar.

Mr. BACON. I have no objection to the reading being continued, if the Senator so desires.

Mr. NELSON. Oh, no.

Mr. FRYE. I hope the Senator from Georgia will read the report and the bill.

Mr. BACON. I will examine them.

The VICE-PRESIDENT. The bill will be passed over, retaining its place on the Calendar.

#### ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

The bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," was announced as next in order on the Calendar.

Mr. KEAN. I do not see the Senator from South Dakota [Mr. GAMBLE] who reported the bill in the Chamber at this time, and so I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from New Jersey, without prejudice.

Mr. CLAPP subsequently said: In the absence of the Senator from South Dakota [Mr. GAMBLE] I should like to have the objection withdrawn to the consideration at this time of House bill 11946. The Senator from South Dakota who has the bill in charge is very anxious to have it passed. I hope the Senator from New Jersey will withdraw his objection.

Mr. KEAN. I do not know that I shall object to the bill, but I should like to have some explanation of it before it is passed. The title would indicate that it is a bill of some importance and one which would give rise to debate.

Mr. CLAPP. I can make a very short statement in explanation of the bill.

Mr. KEAN. I have no objection to that.

The VICE-PRESIDENT. Does the Senator from New Jersey withdraw his objection to the present consideration of the bill?

Mr. KEAN. I withdraw the objection.

Mr. CLAPP. Mr. President, under the existing allotment law, when an Indian obtains his allotment he becomes a citizen, which divests the Federal Government of all authority over the Indian, save so far as there may be retained a restriction by the Government upon alienation of the allotment by the allottee. This has led to a most deplorable condition in many of the reservations. The purpose of this bill is to provide that in their future allotments the rights of citizenship shall not attach until the expiration of the trust period and the allottee obtains his patent. It is a bill in which the Department is vitally interested and one that should become a law.

The VICE-PRESIDENT. Objection being withdrawn, the bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HEYBURN. I should like to ask the Senator from Minnesota a question. I understood him to state that this bill provides that Indians shall only become citizens of the United States after the lapse of the time in which they might prove upon their lands. Is that it?

Mr. CLAPP. Yes.

Mr. HEYBURN. Then here is the condition that confronts us: We have in Idaho the Nez Perce Indians, for instance, and the Coeur d'Alenes, who were provided for the other day. Some of those Indians are now in the possession of full citizenship. Would this bill prevent those that are not already within the limits of full citizenship from completing their citizenship?

Mr. CLAPP. Yes, sir; it would.

Mr. HEYBURN. Then it would bring two classes of Indians on the same reservation?

Mr. CLAPP. Yes, sir.

Mr. HEYBURN. At 12 o'clock in the day the Indians who had before noon complied with the law and taken their lands in severalty would have one status as citizens and those who did not happen to get in at that time would be shut off from citizenship under this proposed law. It seems to me that there should be some amendment that would prevent a condition where one portion of a tribe would be citizens of the United States and occupy a position above the other portion of the tribe. That would hardly result in harmony in that tribe. It would create an aristocracy of citizenship.

I am in favor of the general principle of the bill, provided it is amended so as to avoid those embarrassments, and they would be serious embarrassments to the two tribes in the State which I in part represent here, because just now their lands are in process of being allotted.

Mr. CLAPP. Mr. President, the condition to which the Senator refers, I think obtains to-day upon every reservation in the United States under the existing law. A portion of a tribe who have had their allotments made under the existing law advance to certain rights of citizenship. Those who have not received their allotments do not reach that point in citizenship. The trouble under the existing condition is that when they get their first allotments, their trust deeds, they become citizens. It is true that under this bill those who have heretofore taken their allotments will have the rights of citizenship, because no law that Congress could pass could to-day divest them of the rights which they have, but the bill will for the future cure the evil that is found on these reservations, where the Indians by merely receiving their allotments pass beyond the jurisdiction of the Federal Government. We can not avoid the condition to which the Senator referred, because under the existing law there are two classes.

Mr. HEYBURN. I am anxious to perfect the bill rather than to defeat it. Now comes this provision at the top of page 2:

Then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

There is a discrimination in that provision between Indians who live in the Territories and Indians who live in the States, which I doubt if the Senator who prepared this bill intended should exist.

Mr. CLAPP. I do not think it exists, because no State could pass such a law.

Mr. HEYBURN. Well, then, why provide, as is provided in this bill? Of course, a State can not pass such a law after the Indians do become citizens, but why provide that a Territory shall not pass any law denying the Indians within a Territory the equal protection of the law?

Mr. CLAPP. Because we are legislating now for the Territories and not for the States. A State could not take away the rights of citizenship if it wanted to. We are legislating for the Territories, and provide in this bill that no Territory shall do it.

Mr. HEYBURN. Yes; but we use the words "State or Territory" in defining the laws to which they shall be subject in line 4, on page 2.

Mr. CLAPP. No, sir; we use the words "State or Territory" in defining the rights that the Indian attains to. The bill provides:

Every allottee shall have the benefit of and be subject to the laws, both civil and criminal—

Mr. HEYBURN. Well, he already is in a State.

Mr. CLAPP. Not unless he has got his allotment he is not.

Mr. HEYBURN. The bill says "every allottee." It has been held by the Supreme Court of the United States recently that every allottee has attained to citizenship and has those rights, of course. There was a doubt about this until a recent time, but it has been settled.

Mr. CLAPP. What would the Senator like to suggest in the way of amendment?

Mr. HEYBURN. I should like to have time to look the bill over and make a suggestion.

Mr. CLAPP. I do not wish to take up the time of the Senate with a discussion of this bill this morning.

Mr. McCUMBER. Let me call the attention of the Senator—

Mr. GALLINGER. I ask that the bill may go over.

Mr. McCUMBER. Let me call the attention of the Senator to one matter. We are simply repeating the law as it now stands with reference to the Indians, and what has been the law ever since 1887. This bill does not add to it, but, on the contrary, the exact language of the law of February 8, 1887, has been recopied into this bill; so that it will not affect the question whether it comes in again or whether it does not.

Mr. HEYBURN. I should like to ask the Senator—

Mr. GALLINGER. I ask that the bill may go over.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

#### IMMIGRATION OF ALIENS.

The bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens in the United States," approved March 3, 1903, was announced as next in order.

Mr. LODGE. In the absence of the Senator from Vermont [Mr. DILLINGHAM], who has that bill in charge, I ask that it may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice.

#### PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. MORGAN. I ask the Chair to lay before the Senate the action of the House of Representatives on Senate bill 4250, in reference to the Public Health and Marine-Hospital Service, with a view of getting a conference upon it.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon.

Mr. MORGAN. I think it is hardly necessary to detain the Senate by reading the bill. The Senate passed the bill and sent it to the House. The House has stricken out the Senate bill and inserted a new bill of its own. I move that the Senate disagree to the amendment of the House and ask for a conference on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. MALLORY, and Mr. BRANDEGEE were appointed.

#### PUBLIC BUILDING AT SAN JUAN, P. R.

Mr. TILLMAN. Mr. President—

Mr. FORAKER. I observe the Senator from South Carolina is about to ask that the unfinished business be laid before the Senate. I hope he will be willing to yield to me for a moment so that I may secure present consideration of the bill (S. 5639) to provide for the erection of a public building at San Juan, P. R.



There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates \$300,000 for the erection of a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, Federal court, custom-house, weather bureau, the branch office of the United States Civil Service Commission, and other Government offices in the city of San Juan, P. R.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FISHING IN ALASKAN WATERS.

Mr. FULTON. I move that the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, together with the amendment of the House of Representatives, which came from the House yesterday and was laid on the table and ordered to be printed, be referred to the Committee on Foreign Relations. The motion was agreed to.

#### REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. LA FOLLETTE resumed the speech begun by him yesterday. After having spoken nearly three hours and a half, he said:

Mr. President, I shall yield the floor at this time and shall ask the privilege of resuming it again on Monday.

[Mr. LA FOLLETTE's speech will be published entire after it shall have been concluded.]

Mr. TILLMAN. I ask that the unfinished business be laid aside for the balance of the day.

The VICE-PRESIDENT. The Senator from South Carolina asks that the unfinished business be laid aside for the day. Without objection, it is so ordered.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 49) construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of sufferers by earthquake and conflagration on the Pacific coast."

#### MESSAGE OF CONDOLENCE FROM BRAZILIAN SENATE.

The VICE-PRESIDENT. The Secretary will read the following dispatch.

The Secretary read as follows:

[By cable.]

RIO JANEIRO, April 20, 1906.

His excellency the PRESIDENT OF THE SENATE, Washington:

In the name of the Brazilian Senate I have the honor to transmit to you the testimony of our profound sorrow at the catastrophe which has occurred in San Francisco.

JUAGUIM MURTINHO,  
Vice-President Brazilian Senate.

#### EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 21, 1906, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 20, 1906.*

##### POSTMASTERS.

##### ALABAMA.

Walter W. Simmons to be postmaster at Athens, in the county of Limestone and State of Alabama.

##### ARKANSAS.

Elijah O. Lefors to be postmaster at Bentonville, in the county of Benton and State of Arkansas.

##### CONNECTICUT.

George W. Buteau to be postmaster at Baltic, in the county of New London and State of Connecticut.

William P. Leete to be postmaster at North Haven, in the county of New Haven and State of Connecticut.

##### FLORIDA.

Thomas W. Lundy to be postmaster at Perry, in the county of Taylor and State of Florida.

##### MASSACHUSETTS.

Arthur Bliss to be postmaster at Andover, in the county of Essex and State of Massachusetts.

##### NEW YORK.

George E. Call to be postmaster at Northport, in the county of Suffolk and State of New York.

Burt Graves to be postmaster at Middleport, in the county of Niagara and State of New York.

Stephen G. Newman to be postmaster at Haverstraw, in the county of Rockland and State of New York.

##### PENNSYLVANIA.

Harry D. Patch to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania.

##### TEXAS.

Gains L. Burk to be postmaster at Van Alstyne, in the county of Grayson and State of Texas.

Caroline Cotulla to be postmaster at Cotulla, in the county of Lasalle and State of Texas.

Everton W. Kennerly to be postmaster at Giddings, in the county of Lee and State of Texas.

Robert J. King to be postmaster at Clarksville, in the county of Red River and State of Texas.

### HOUSE OF REPRESENTATIVES.

FRIDAY, April 20, 1906.

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Eternal and everliving God, our Heavenly Father, whose ways are past finding out, we thank Thee for the sympathy, for the brotherly love and generosity which prevail throughout our land for the stricken people of the Pacific coast. God grant that these ministrations may be to them a source of comfort, consolation, and encouragement that they may take up the burdens of life anew and go forward even to greater attainments. Spare us, O God, from further calamities, and keep us all close to Thee, and bring us to that larger life in Thee, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of the following, which the Clerk will report.

Mr. WILLIAMS. Mr. Speaker—

The Clerk read as follows:

*Resolved*, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to examine, so far as the Department of Agriculture is concerned, all the matters referred to in paragraph 42, Rule II, of the House of Representatives, and for that purpose it may send for persons and papers, and is authorized to employ a competent stenographer while conducting said examination, and to sit during the sessions of the House and to report the result of its examination with any recommendation to the House.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I very much regret, Mr. Speaker, to be compelled to object.

Mr. LITTLEFIELD. Will the gentleman withhold his objection, so that I can state the condition of affairs?

Mr. WILLIAMS. I have no objection to the request, but I am objecting to all requests, and this is one. I object.

Mr. LITTLEFIELD. I want to state the facts, because I think the gentleman from Mississippi will, when he understands the situation, withdraw his objection.

Mr. WILLIAMS. I object to the statement, Mr. Speaker.

Mr. LITTLEFIELD. I ask unanimous consent to be allowed to state to the House the reasons why I suggest the adoption of this resolution now.

Mr. WILLIAMS. I object.

Mr. LITTLEFIELD. Will the gentleman let me state my request? I ask unanimous consent—

Mr. WILLIAMS. I object.

Mr. LITTLEFIELD (continuing). To be allowed to state to the House the public reasons why I ask unanimous consent for the adoption of this resolution.